

### REMARKS

Claims 1-4, 6, 14-21, 24-28, and 31 are presented for examination. Of these, claims 1, 27, and 31 are independent. Claims 5, 7-13, 22, 23, 29, and 30 are withdrawn. Favorable reconsideration and further examination are respectfully requested.

In the Office Action, the Examiner objected to Applicants' Specification. Applicants have amended the Specification to overcome the objection. Applicants respectfully request reconsideration and withdrawal of the objection.

In the Office Action, the Examiner rejected claims 27 and 31 under 35 U.S.C. § 102(b) as allegedly being anticipated by Richter, et al., DE 42 41 074 A1 ("Richter").

Applicants do not necessarily concede any of the Examiner's arguments regarding Richter. Nonetheless, to advance prosecution and obtain early issuance, Applicants have amended independent claims 27 and 31.

Amended independent claim 27 recites, among other things, that a "pressure controller is configured to deliver propellant from the reservoir propellant chamber to the working propellant chamber to keep the working pressure within the working propellant chamber substantially constant." Amended independent claim 31 recites, among other things, that a "pressure controller delivers propellant from the reservoir propellant chamber to the working propellant chamber to keep the working pressure within the working propellant chamber substantially constant."

Richter<sup>1</sup> discloses a lubricant dispenser including a mechanism for dosed lubricant release.<sup>2</sup> A dosing piston is loaded by the pressure of a pressure gas that gradually decreases in pressure as lubricant is released from the dispenser such that lubricant is released from the dispenser at a *precise* rate.<sup>3</sup> Thus, Richter discloses a *flow* controller or regulator, not a *pressure* controller. Richter discloses a space (identified by the Examiner as a "working propellant

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<sup>1</sup> Citations to Richter are to the certified translation of DE 42 41 074 A1 (Richter Translation) submitted to the Office in an information disclosure statement.

<sup>2</sup> Richter Translation at, e.g., page 1, lines 14-15.

<sup>3</sup> *Id.*, at, e.g., page 1, lines 16-23; page 3, lines 9-12, 23-30, 38-41; page 4, lines 1-8.

chamber”<sup>4</sup>) located between a wall attached to a pressure gas inlet 7 and a dosing piston 3.<sup>5</sup> However, Richter does not disclose keeping the pressure of this chamber substantially constant. Rather, the pressure in this chamber will ultimately decrease (along with the pressure in the pressure gas cartridge 4) as lubricant is released from the dispenser.<sup>6</sup> Thus, the lubricant dispenser of Richer “works with a likewise specified lubricant release rate, which is maintained very accurately.”<sup>7</sup>

Since Richter discloses a flow controller or regulator and not a pressure controller, Richter does not disclose a pressure controller according to amended independent claims 27 and 31. More specifically, Richter does not disclose a pressure controller configured to deliver propellant from a reservoir propellant chamber to a working propellant chamber to keep a working pressure within the working propellant chamber substantially constant, as required by amended independent claim 27. Similarly, Richter does not disclose the subject matter of amended independent claim 31.

Likewise, Richter would not have rendered obvious the subject matter of these claims. One skilled in the art would have had no reason to modify the flow controller or regulator of Richter to arrive at the subject matter of amended independent claims 27 and 31.

Thus, Richter does not disclose or render obvious the subject matter of amended independent claims 27 and 31. Applicants respectfully request reconsideration and withdrawal of these rejections.

The Examiner also rejected claims 1-4, 6, 14-21, 24, 26, and 28 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Richter in view of Van’t Hoff, PCT International Application Publication WO 99/62791 (“Van’t Hoff”). The Examiner also rejected claim 25 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Richter in view of Everett, U.S. Patent No. 3,140,802 (“Everett”).

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<sup>4</sup> Office Action, dated December 23, 2008, at page 2.

<sup>5</sup> Richter Translation, at page 4, lines 28-31.

<sup>6</sup> See Richter Translation, at, e.g., page 3, lines 38-41.

<sup>7</sup> *Id.*, at page 3, lines 11-12.

Applicants do not necessarily concede any of the Examiner's arguments regarding Richter, Van't Hoff, or Everett. Nonetheless, to advance prosecution and obtain early issuance, Applicants have amended independent claim 1.

Amended independent claim 1 recites, among other things, that a "pressure controller is configured to supply the propellant from the high-pressure chamber to the working pressure chamber to keep the working pressure in the working pressure chamber substantially constant..." Amended independent claim 1 also recites that "the supply of propellant to the working pressure chamber is determined based on a reference pressure of a reference fluid."

The Examiner argued in the Office Action that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of DE [Richter] with a reference fluid in the pressure controller as, for example, taught by WO [Van't Hoff] in order to of improving the maintenance of a constant pressure in the working pressure chamber."<sup>8</sup>

As discussed above, Richter discloses a *flow* controller or regulator, not a *pressure* controller, and does not disclose maintaining a constant pressure in any alleged working pressure chamber of Richter. Thus, one of skill in the art would have had no reason to add a pressure controller (with a reference fluid or otherwise) to Richter and would have had no reason to look to Van't Hoff as a basis for adding a pressure controller.

Therefore, neither Richter nor Van't Hoff, alone or in combination, discloses or renders obvious the subject matter of amended independent claim 1, and there is no reason to combine these references to provide the subject matter of these claims.

For at least the foregoing reasons, independent claim 1 is believed to be allowable. Applicants respectfully request reconsideration and withdrawal of these rejections.

Each of the dependent claims 2-4, 6, 14-21, 24, and 26 is believed to be patentable for at least the same reasons as its corresponding independent claim, independent claim 1. Dependent claim 28 is believed to be patentable for at least the same reasons as its corresponding independent claim, independent claim 27.

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<sup>8</sup> Office Action, dated December 23, 2008, at page 3.

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Serial No. : 10/542,831  
Filed : September 22, 2005  
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Attorney's Docket No.: 17042-0006US1 / CMJ/MBX  
P67265US00

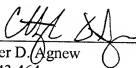
It is believed that all of the pending claims have been addressed. however, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of patentability of the claim prior to its amendment.

Applicant believes the application is in condition for allowance, which action is respectfully requested.

Please apply any charges or credits to deposit account 06-1050, referencing attorney docket no. 17042-0006US1.

Respectfully submitted,

Date: 3/17/09

  
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